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Subject: **Rooming and Boarding
Houses**

References: **N.J.A.C. 5:27 et seq.**
N.J.A.C. 5:23-3.14,
Building Subcode
Chapter 3

This Formal Technical Opinion (FTO) is issued to resolve questions of the use-group designations for licensed rooming and boarding houses, and the technical standards applicable to these facilities. The term "occupants," as used in this FTO, means the residents of the rooming or boarding houses, excluding staff and visitors, as stipulated in the license issued by the Department of Community Affairs, Bureau of Rooming and Boarding House Standards.

All rooming houses with six or more occupants are to be classified as Use Group R-2. If the rooming house is used by five or fewer occupants, the Use Group is R-3 or R-5. These correlate with a class A license issued by the Department.

All boarding houses with six or more occupants are to be classified as Use Group I-1. If the boarding house is used by five or fewer occupants, the Use Group is R-3 or R-5. These correlate with Class B, C, D, and E licenses issued by the Department.

The technical requirements for each of these use groups can be found in the Building Subcode, with the exception of the following requirements:

1. Use Group I-1 boarding houses with not more than 16 occupants are permitted to be protected with an automatic fire-sprinkler system designed and installed in accordance with National Fire Protection Association 13R.
2. The cooking range shall not be considered commercial; therefore, no commercial exhaust hood or exhaust hood fire-suppression system is required. However, ventilation shall be provided in accordance with the Mechanical Subcode. This exception does not apply to deep-fat or vegetable-oil fryers.

The Department previously issued Bulletin No. 83-4 to provide guidance on rooming and boarding houses. This bulletin has been withdrawn due to the inconsis-

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tent application of use-group requirements. Construction officials are authorized to act as agents of the Bureau of Rooming and Boarding House Standards for matters involving new construction, alterations, Certificates of Occupancy, or Certificates of Approval, as well as imminent hazards and license denials. It should be noted that the Rooming and Boarding House Standards do not supersede or overrule the Uniform Construction Code (UCC). However, there are construction-related items which need to be considered when reviewing and inspecting these types of buildings. All construction officials and staff need to familiarize themselves with the rooming and boarding house regulations. Copies may be obtained by writing the Department of Community Affairs, Division of Codes and Standards, Bureau of Rooming and Boarding House Standards, PO Box 804, Trenton, New Jersey 08625-0804.

If the Bureau of Rooming and Boarding House Standards closes, vacates, and relocates the occupants of a facility due to imminent hazard or license denial, it is then the construction official's responsibility to enforce N.J.A.C. 5:23-2.32(a), which states that the appropriate subcode official shall examine every building or structure reported as dangerous, unsafe structurally, unsanitary, or a fire hazard. The construction official shall take immediate and appropriate action, upon receipt of the Bureau of Rooming and Boarding House Standard's Notice of Imminent Hazard or License Denial, and after the structure has been vacated and occupants have been relocated by the Bureau.

A Notice of Imminent Hazard or License Denial revokes the right for legal occupancy of said building or structure. When this occurs, the construction official shall hold the building owner responsible for making sure the property stays sealed and not used, and that necessary safeguards are provided for public safety. If unsafe conditions persist and the owner fails to correct them, the construction official may order emergency repairs and/or refer the matter to the legal counsel of the jurisdiction.

In order for the building or structure to be reoccupied, the owner must reapply for a Certificate of Occupancy. Occupancy is not to be permitted unless:

1. The construction official finds that the structure meets all the requirements of the UCC, and
2. The owner of the facility produces a valid license to own and operate a facility issued by the Bureau of Rooming and Boarding House Standards.